

Attorney Docket: 42P6391C

REMARKS

This is in response to the Office Action mailed September 9, 2004. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claims 1, 6, 14, 21, 22, and 23 have been amended. Claims 4, 5, 13, and 20 have been cancelled. Claims 3 and 12 were cancelled in the previous amendment. In making the within amendments, remaining independent claims have been amended to include the limitations of cancelled claim 13, which claim the Examiner has indicated as containing allowable subject matter. Office Action, page 13.

In the Office Action, the Examiner has rejected claims 1, 6, 13-20, and 22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,731,807. In response, Applicant notes that the Examiner has not yet indicated that the claims of the subject application are allowable over the prior art, and therefore, the final state of the claims of the subject application has yet to be determined. Accordingly, Applicant will file a Terminal Disclaimer directed to the '807 Patent to obviate this double patent rejection, after the Examiner has indicated that the claims of the subject application are otherwise allowable.

Also in the Office Action, the Examiner has rejected combinations of the claims under 35 USC §§ 102/103 as being anticipated or rendered obvious by combinations of Virtamo et al. (U.S. Patent No. 5,692,012), Voois et al. (U.S. Patent No. 6,124,882), and/or Feo et al. (U.S. Patent No. 5,717,787). However, the Examiner has indicated that claims 13-14 contain allowable subject matter. Office Action, page 13. In response, Applicant has amended the currently pending independent claims to include the limitations of claim 13. Accordingly, it is believed that the currently pending claims are allowable over these combinations of references. Thus, it is respectfully submitted that the Examiner's rejections of combinations of the claims

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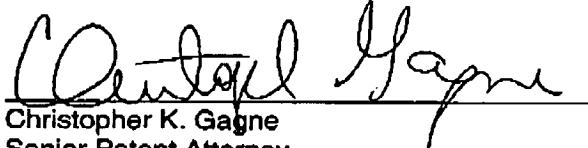
under 35 USC §§ 102/103 as being anticipated or rendered obvious by combinations of Virtamo et al. (U.S. Patent No. 5,692,012), Voois et al. (U.S. Patent No. 6,124,882), and/or Feo et al. (U.S. Patent No. 5,717,787) have been overcome.

In the event that the Examiner deems personal contact desirable in the further disposition of this case, the Examiner is invited to call the undersigned attorney at 480 715 4055.

Please charge any shortages and credit any overcharges occasioned by this submission to Deposit Account No 50-0221.

Respectfully submitted,

Date: 12/8/04


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